

REMARKS/ARGUMENTS

The Office Action of June 1, 2006 requires election of one of the following species:

Species	Description
A	Blood processing method with a return flow rate that varies systematically as a function of time
B	Blood processing method with removal rates, return rates, or both which are derived from the total blood volume of the patient
C	Method of blood processing that increases efficiency of separation and collection while enhancing purity by controlling recirculation rate and collected fraction

In support of this requirement, the Examiner asserts that species A, B and C are patentably distinct “because each method requires different preparation steps and has different results.” The Examiner requires “election of a single species for prosecution on the merits to which the claims will be restricted if no generic claim is finally held to be allowable” and further requires a listing of all claims readable on the elected species.

Applicants provisionally elect, with traverse, Species B; blood processing methods with removal rates, return rates, or both which are derived from the total blood volume of the patient. Applicants assert that all of the pending claims in the present application are related enough so as not to impose a serious burden on the Examiner in the context of prior art searching, evaluation and substantive evaluation. Accordingly reconsideration and withdrawal of the election requirement is respectfully requested.

Moreover, Applicants assert that all of claims 1-68 encompass the subject matter of the elected Species B. Claims 25-27 are directed to methods of processing blood that expressly incorporate processing steps wherein the "removal flow rate is derived from . . . total blood volume", and/or wherein the "return flow rate is derived from . . . total blood volume", and claims 24 & 28-50, incorporate the limitation of removal flow rates and return flow rates derived from total blood volume via their dependence on claim 27. (See, claim amendments in the Amendment of April 13, 2006). Claims 1-23 incorporate the limitation of removal flow rates and return flow rates derived from total blood volume via their dependence on claim 27, and thus, comprise the combination of Species B and A. (See, claim amendments in the Amendment of April 13, 2006). Claims 51-68 incorporate the limitation of removal flow rates and return flow rates derived from total blood volume via their dependence on claim 27, and thus, comprise the combination of Species B and C. (See, claim amendments in the Amendment of April 13, 2006). As claims 1-68 encompass the elected Species B, substantive examination on the merits of all the claims pending in the present case is proper.

CONCLUSION

In view of the foregoing, this case is considered to be in condition for allowance and passage to issuance is respectfully requested.

It is believed that no fees are required with this submission. If this is incorrect, however, please deduct the appropriate fee for this submission and any extension of time required from Deposit Account No. 07-1969.

Respectfully submitted,

/sbbaroneREG53968/

Stephen B. Barone
Reg. No. 53,968

Appl. No. 10/680,950
Amdt. Dated 6/29/2006
Response to Office Action of June 1, 2006

GREENLEE, WINNER AND SULLIVAN, P.C.

4875 Pearl East Circle, Suite 200

Boulder, CO 80301

Telephone: (303) 499-8080

Facsimile: (303) 499-8089

E-mail: winner@greenwin.com

Attorney Docket No. 96-03

June 29, 2006